

WEST LAFAYETTE POLICE MERIT COMMISSION
MINUTES
MAY 8, 2006

The West Lafayette Police Merit Commission met in regular session at 7:30 pm in Council Chambers at City Hall on May 8, 2006. In compliance with the Indiana Open Door Law, notice of this regular meeting was sent to the press and copies of the meeting agenda and unapproved minutes of the April 10, 2006 Executive Session and Regular Meetings were available at a table adjacent to the entrance to the Council Chambers.

Police Merit Commission President Polles called the meeting to order and presided.

The Pledge of Allegiance was repeated.

PRESENT: Commissioners Don Corrigan, Sandra Dye, Larry Leverenz, John Polles, and Joel Weber.

ALSO PRESENT: Commission Counsel Williams, Commission Conflict Counsel Szulkowski, Police Chief Marvin, Clerk-Treasurer Rhodes, City Attorney Associate Hermes, two members of the West Lafayette Police Department, two members of the public, and four members of the press.

APPROVAL OF MINUTES

- A. Commissioner Corrigan's motion "that the minutes of the April 10, 2006 Executive Session be approved as distributed" was unanimously adopted.
- B. Commissioner Corrigan's motion "that the minutes of the April 10, 2006 Regular Meeting be approved as distributed" was unanimously adopted.

OLD BUSINESS

- A. Commission Legal Counsel: Commission President Polles introduced Mr. Randy J. Williams as the Commission's legal counsel. Mr. Wayne T. Szulkowski was introduced as the Commission's conflict counsel.
- B. May Lieutenant's Competitive Promotional Examination: Commissioner Weber reviewed plans for the May 13, 2006 Lieutenant competitive promotional examination. The exam will be held in the Police Training Room from 3 to 5 pm. Commissioner Corrigan will proctor with Commissioners Polles and Weber grading the exams. Commissioner Weber will pickup the exams from Professor Jessica Foster and deliver them to the examination location on the day and time of the exam. Commissioner Weber will also pickup the exams at the end of testing.

- C. Cut-off Date for New Applications: Commission President Polles reported that the cut-off date for new applicants for this application cycle was April 30, 2006. Chief Marvin reported there were 79 applicants. The fitness test and written examination will be administered to new applicants on Saturday, May 20, 2006. Police Review Board interviews will be held on June 19 and 20, 2006. The date of Commission interviews will be determined at a future meeting.
- D. Revisions to Merit Commission Rules and Regulations: Commissioner Weber reported he had received comments related to some of the proposed changes from City Attorney Associate Hermes immediately prior to the meeting and had not had an opportunity to review those comments in detail. In addition, other Commissioners had not received an opportunity to review those comments. He requested that discussion of all changes be deferred to the next regular meeting.

NEW BUSINESS

A. Findings and Formal charges filed against Specialist George L. Weast:

1. Commission President Polles reported that a letter dated April 28, 2006 had been received from Chief Marvin specifying findings and formal charges against Specialist George L. Weast. Specialist Weast sent a certified letter requesting a hearing to President Polles that was received on May 1, 2006. An E-mail was received on May 8, 2006 from Mr. Leo Blackwell, attorney for George Weast, asking for a continuance and waiver of the time constraints. Documents supporting these requests were also being sent by letter.
2. After checking Commissioners' and Counsels' calendars, it was determined that the hearing would be held on Friday, May 26, 2006 at 8:00 am in West Lafayette City Hall Council Chambers in order to comply with the 30 day time constraint. Commissioner Corrigan moved to "hold the George Weast case at an open meeting." After discussion, the motion was approved by a vote of 4 to 1.
3. Commission Counsel Williams identified that he has a conflict of interest with this case. Commissioner Leverenz moved "to accept Mr. Szulkowski as conflict attorney for this case." The motion was unanimously adopted.
4. Commissioner Leverenz moved to "enter into the record the Notice of Filing of Formal Charges" from Chief Marvin dated April 28, 2006. The motion was unanimously adopted.
5. Commissioner Corrigan moved to enter into the record the "official letter from Specialist Weast requesting a hearing from the Merit Commission dated April 28, 2006." The motion was unanimously adopted.

6. Commissioner Leverenz moved to enter into the record the “official appearance recognizing Robert Bauman and Pamela Hermes on behalf of the West Lafayette Police Department and Chief Marvin.” The motion was unanimously adopted.
7. After further checking Commissioners’ and Counsels’ calendars, it was determined that an alternate hearing date would be Wednesday, June 7, 2006 at 1:00 pm with continuance on Friday, June 9, 2006 at 8:30 am in West Lafayette City Hall Council Chambers.
8. After discussion by counsel, Commissioner Leverenz moved that “the Commission attorney and attorneys of the parties be authorized to issue subpoenas in the name of the Commission under the procedures set forth in Indiana Trial Rules.” The motion was unanimously adopted.
9. Commissioner Weber moved that “Mr. Leo T. Blackwell’s E-mail of 5:51 pm on May 8, 2006 sent to Pam Hermes, Randy Williams, and Joel Weber be entered into the record.” The motion was unanimously adopted.
10. After discussion by counsel, Commissioner Leverenz moved that “on receipt from Mr. Weast’s attorney of a signed formal notice of appearance and motion of continuance and appropriate authority of a waiver of the 30 day hearing requirement, that the Commission’s second hearing date be used and that the first hearing date of May 26 be stricken without further action of the Commission.” The motion was unanimously adopted.

ITEMS FROM THE FLOOR

- A. Chief Marvin reported that Deputy Chief Walker had attended a “Keeping Our Communities Safe” conference in South Bend from April 18th to 20th. The conference was held by the U.S. Attorney’s Office for the Northern District of Indiana. At the conference, the West Lafayette Police Department was presented with a “Law Enforcement Partnership Award.” This is the second year in a row that the Department has received a Partnership Award. Of approximately 25 agencies attending the conference, 11 were recognized.
- B. Probationary Officer Jonathan Eager recently attended a Drug Recognition Expert class. He is the only officer to ever achieve a perfect score on the Drug Recognition Expert examination.
- C. Clerk-Treasurer Rhodes reported the status of the Commission’s legal budget. For 2006, \$8,000 was budgeted. Of that amount, \$602.50 is left. There is a need to go to the Common Council for an additional appropriation. Because of the time required for the appropriation to move through the Council, attorneys cannot be paid until the second or third week of July. Clerk-Treasurer Rhodes wanted to ensure that all parties are knowledgeable of these facts.

PUBLIC COMMENTS

None.

NEW BUISINES (Continued)

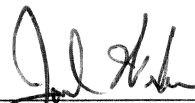
- B. Commission President Polles provided copies of an "Agreement for Employment of Attorney" to all Commissioners and stated he needed authorization to sign the contract on behalf of the Commission. The proposed hourly rate in the contract is \$150 per hour for lawyers and \$50 per hour for legal assistants. This is below the current rate for such services. Commissioner Corrigan moved "to give Commissioner Polles authority to sign the legal contracts with the amounts stated." The motion was unanimously adopted.

ADJOURNMENT

The meeting adjourned at 8:42 pm.



John Polles
President



Joel Weber
Secretary

WEST LAFAYETTE POLICE MERIT COMMISSION
Meeting Agenda, 8 May 2006
7:30 P.M., Council Chambers, City Hall

Opening

Pledge of Allegiance
Roll Call
Approval of Minutes for Meeting on 10 April 2006

Old Business

Introduction of Legal Counsel, Mr. Randy Williams (Polles)
Introduction of Conflict Counsel, Mr. Wayne Szulkowski (Polles)
Update on the May lieutenant's exam (Commissioner Weber)
Cut-off date for new applications (Polles)
Proposed revisions of the Merit Commission's rules and regulations (Weber)

New Business

Filing of findings and formal charges against Specialist George L. Weast (Polles)

Items from the Floor

Recent awards for the Department (Chief Marvin)

Public Comments

Adjournment